

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 25, 2015**

**TO:** Honorable Allen Fletcher, Chair, House Committee on Emerging Issues In Texas Law Enforcement, Select

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1840** by Reynolds (Relating to the appointment by the attorney general of a special prosecutor to prosecute certain offenses committed that cause serious bodily injury or death by peace officers.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1840, As Introduced: a negative impact of (\$1,688,487) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$1,092,370)
2017	(\$596,117)
2018	(\$596,117)
2019	(\$596,117)
2020	(\$596,117)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>	<b>Change in Number of State Employees from FY 2015</b>
	<b>1</b>	
2016	(\$1,092,370)	5.0
2017	(\$596,117)	5.0
2018	(\$596,117)	5.0
2019	(\$596,117)	5.0
2020	(\$596,117)	5.0

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to remove the authority of district and county attorneys to prosecute cases of serious bodily injury and death caused by peace officers

and creates a special prosecutor in the Office of Attorney General (OAG) to prosecute these cases.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015.

### **Methodology**

Currently, there are approximately 76,000 commissioned peace officers in the State of Texas according to the Texas Commission on Law Enforcement and no single source for information related to peace officer misconduct. The OAG estimates that the Criminal Prosecution Division would receive complaints of peace officer misconduct at 1.5 percent of the peace officer population (approximately 1,140) by examining internal data and statistics from Texas Commission on Law Enforcement (TCOLE) and the Department of Public Safety (DPS). Of these complaints, the OAG estimates 10 percent, or 114 complaints, would result in new cases for prosecution from peace officer misconduct complaints involving serious bodily injury or death sent to the OAG each year.

Under the bill provisions, local law enforcement would be required to report allegations of misconduct to the Criminal Prosecution Division and cooperate with the division during the investigation and prosecution. To capture this information, the agency estimates it would need to develop a web-based system for reporting and data collection to collect reported officer-involved injury or death incidents from counties. This analysis assumes this would require one-time contracted costs for a project requiring 1,340 hours of work which would include a Project Manager for \$125.20 per hour (\$167,768 total), a Developer for \$113.53 per hour (\$152,130 total), and a Business Analyst/Quality Assurance Tester for \$106.40 per hour (\$142,576 total). Total contracted costs are estimated to be \$462,474.

To handle this new case load, the agency estimates the Criminal Prosecutions Division would require two Assistant Attorneys General IV (each \$82,036 per year), one Assistant Attorney General V (\$101,172 per year), and one Legal Assistant (\$54,761). In addition, the agency estimates needing one additional Programmer V FTE (\$82,036 per year) to facilitate development and maintenance of the web-based reporting and data collection system.

The Commission on Law Enforcement, the Office of Court Administration, and the Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

### **Technology**

There would be a technology impact related to computer hardware, contracted costs associated with development of specialized software, telecommunications equipment, and network storage estimated to be \$514,552 in fiscal year 2016 and \$18,300 in subsequent years.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety, 407 Commission on Law Enforcement

**LBB Staff:** UP, ESi, MW, GDz, TBo, RP, KVe